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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,830	01/11/2000	KURT H LOHSE	LOHSE-1	7571

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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 01/24/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/482,830

Applicant(s)

LOHSE, KURT H

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Claims 1, 3-8 and 10-14 have been examined.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie et al (U.S. 6,014,634) in view of Golden et al (U.S. 5,761,648) and further in view of DeLapa et al (U.S. 6,076,068).

As per claim 1, Scroggie et al teach:

A method for providing discount incentives to potential customers for making purchases from service or goods providers; the method comprising the steps of:

providing an Internet website for providers to set their respective discount parameters for issuing discount coupons to potential customers (see column 4, lines 1-6);

permitting access to said website by said potential customers to select providers from whom they wish to make purchases (see column 3, lines 10-50);

Scroggie et al fail to teach, establishing customer *intended spending amount and period of time* for a selected provider and indicating the corresponding discount parameters for the selected provider; and presenting a website display of a customer

Art Unit: 3622

discount coupon corresponding to said discount parameters for printout by a customer for subsequent redemption at a provider's place of business. However, DeLapa et al teach of a coupon system that creates coupons dynamically from purchase parameters that relate to the customers (see column 18, lines 36-67 – column 19, lines 1-10). DeLapa creates coupons such as the one in figure 20, item 408, where there is a discount for any purchase greater than \$50 and within the expiration date. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Scroggie would create coupons dynamically from purchase data or input data provided by the customers, as taught by DeLapa. When the customer inputs that he or she intends to purchase more than certain amount of money, the corresponding coupon would be printed (see figure 20, item 408).

As per claim 4, Scroggie et al teach:

The method recited in claim 1 further comprising the step of establishing a data file of coupon generation for each said provider (see column 4, lines 1-6).

As per claim 5, Scroggie et al teach:

The method recited in claim 1 further comprising the step of including at least one verification number on each said discount coupon (see figure 11).

As per claim 6, Scroggie et al teach:

The method recited in claim 1 further comprising the step of displaying a search page at said website for permitting a potential customer to search for a provider based upon selected criteria (see columns 3-4).

As per claim 7, Scroggie et al teach:

The method recited in claim 6 wherein said search criteria comprise at least one criterion taken from the group consisting of location, nature of products offered, nature of services offered and timing of provider registration at said website (see columns 3-4).

As per claim 8, Scroggie et al teach:

A method of issuing electronically generated merchant-specific discount coupons to consumers over an Internet communications link; the method comprising the steps of:

establishing an Internet website on said link, said website having a selected address (see column 4, lines 20-30);

providing at least one website page for merchants to set their respective discount parameters for said discount coupons (see column 4, lines 1-6);

providing at least one website page for consumers to select one of said merchants (see column 3);

Scroggie et al fail to teach:

providing at least one website page for consumers to indicate their desired *spending amount*;

determining the discount parameters of a merchant *based upon the spending amount selected by a consumer*;

presenting a website page having an electronic discount coupon representing the discount parameters for the selected merchant; and permitting a consumer to print the presented page for subsequent redemption of said discount coupon at the selected merchant.

However, DeLapa et al teach a coupon that creates coupons dynamically from purchase parameters that relate to the customers (see column 18, lines 36-67 – column

19, lines 1-10). DeLapa creates coupons such as the one in figure 20, item 408 where there is a discount for any purchase greater than \$50 and within the expiration date. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Scroggie would create coupons dynamically from purchase data or input data provided by the customers, as taught by DeLapa. When the customer inputs that he or she intends to purchase more than certain amount of money, the corresponding coupon would be printed (see figure 20, item 408).

Claims 11-14 contain the same limitation as claims 4-7 therefore the same rejection is applied.

As per claims 3 and 10, Scroggie et al fail to teach:

The method recited in claim 1 wherein said presenting step further comprises the steps of generating a map indicating the location of a selected provider and adding said map to said website display. However, the article YahooAddsMaps of 50 Cities teaches that any website which contains location content can easily add mapping features and services (see paragraph 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Scroggie would include mapping capabilities to guide customers to the stores where they would redeem the coupons.

### **Conclusion**

3. This is a CPA of applicant's earlier Application No. 09/482,830. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3622

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 7:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*D.L.*

Daniel Lastra

September 9, 2002

*Eric W. Stamber*

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